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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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02/457,042	12/13/99	SAMESHIMA	S 588,361,610X1
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020457 TMC2/0112
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EXAMINER

PO, R

ART UNIT

PAPER NUMBER

2172

DATE MAILED:

01/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/459,342

Applicant(s)

Sameshima

Examiner

RUAY LIAN HO

Group Art Unit

2172



☒ Responsive to communication(s) filed on Dec 13, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 11, 14, 17-20, 22, 23, 27, and 29-38 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 11, 14, 17-20, 22, 23, 27, 30, 32-34, and 36-38 is/are rejected.

☒ Claim(s) 29, 31, and 35 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 33-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 33-38 are unclear as to whether it claims a computer computer per se or a computer program embodied on a computer-readable medium. In particular, the preamble phrase "program product" defines a set of instructions for execution on a computer, i.e., a computer program per se. The body of the claim, however, recites means plus function language which defines at least a set of instructions embodied on a computer-readable medium to perform the recited functions.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 33-38 are rejected under 35 U.S.C. 101 because

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It is reasonable to presume that applicant seeks to claim a computer program per se. A computer program per se cannot define any structural and functional interrelationships that permit the computer program's functionality to be realized.

The following amendment, embodying the computer program on a computer-readable medium, to claims 33-38 would render claims 33-38 statutory article of manufacture claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 11, 14, 17-20, 22, 23, 27, 30, 32-34, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyagawa et al. (USPN 5,732,222).

Regarding claim 11:

Each and every element of claim 1 is disclosed by Miyagawa et al., note: the claimed 'an information transmission device for transmitting plural items of information via transmission media to a plurality of information destination devices' is shown in col.4, l.15-32,

the claimed 'storage means for storing said plural items of information, and plural sets of data for respective ones of plural items of information, each one of said plural sets of data including an event indicative of a change of situation' is shown in col.7, l.14-44,

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the claimed 'identification data for identifying information to be transmitted in response to said event' shown in col.10, l.19-46,

the claimed 'transmission destination data indicative of one of said plurality of information destination devices to which a corresponding one of said plural items of information is to be transmitted' is shown in col.7, l.57 to col.8, l.26,

the claimed 'detection means for detecting that said event has occurred' is shown in col.9, l.10-31,

the claimed 'transmission means for transmitting, via said transmission media, one of said information identified by said identification data corresponding to said event detected by said detection means to one of said plurality of information destination devices that is designated by said transmission destination data corresponding to said event' is shown in col.10, l.19-46.

Regarding claim 14:

The claimed 'said event is a modification of at least one of said plural items of information' is shown in col.2, l.51-59.

Regarding claim 17:

The claimed 'said event is a transmission of data from at least one of said plurality of information destination devices to said information transmission device' is shown in col.9, l.10-31 & col.10, l.19-46.

Regarding claim 18:

The claimed 'a current situation of a facility which contains plural parts and performs a

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predetermined process' is shown in col.4, l.61 to col.5, l.11,

the claimed 'one of said plurality of information destination devices to which one of said plural items of information is transmitted is a controller' is shown in col.4, l.33-60,

the claimed 'information is transmitted is a controller which uses said one of said plural items of information transmitted and to control the predetermined process of said facility' is shown in col.4, l.33-60.

Regarding claim 19:

Claim 19 is rejected for the similar rationale given for claim 1.

Regarding claim 20:

Claim 20 is rejected for the similar rationale given for claim 1.

Regarding claim 22:

The claimed 'said event is a transmission of information via said transmission media from at least one of said plurality of information destination devices to said information transmission device' is shown in col.9, l.10-31,

the claimed 'said transmission step includes a step of transmitting information associated with said one of plural items information to be transmitted' is shown in col.10, l.19-46.

Regarding claim 23:

Claim 23 is rejected for the similar rationale given for claim 14.

Regarding claim 27:

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Claim 27 is rejected for the similar rationale given for claim 18.

Regarding claim 30:

Claim 30 is rejected for the similar rationale given for claim 18.

Regarding claim 32:

Claim 34 is rejected for the similar rationale given for claims 20 and 23.

Regarding claim 33:

Claim 33 is rejected for the similar rationale given for claim 11.

Regarding claim 34:

Claim 34 is rejected for the similar rationale given for claim 14.

Regarding claim 36:

Claim 36 is rejected for the similar rationale given for claim 32.

Regarding claim 37:

Claim 37 is rejected for the similar rationale given for claim 18.

Regarding claim 38:

Claim 38 is rejected for the similar rationale given for claim 30.

7. Claims 29, 31, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruay L. Ho whose telephone number is (703) 305-3834. The examiner can normally be reached on Monday - Friday from 10 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu, can be reached on (703) 305-4393. The fax phone number for this Group is (703) 308-9051 or (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


RUAY LIAN HO
PRIMARY EXAMINER